

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ELAINE L. CHAO,	:	
SECRETARY OF LABOR,	:	
UNITED STATES DEPARTMENT OF LABOR,	:	
	:	
Plaintiff,	:	Civil Action
v.	:	
	:	No. 05-286-JJF
	:	
MCI SERVICES, INC., et al.	:	
	:	
Defendants.	:	

MOTION FOR DEFAULT JUDGMENT

Plaintiff hereby moves this Honorable Court to enter default judgment in favor of plaintiff against defendant MCI Services, Inc. on the grounds that default has been entered against said defendant for failure to file an Answer or otherwise defend against the Complaint of the plaintiff, as reflected in the files of this Court. A copy of plaintiff's Complaint is attached hereto as Exhibit A.

Further, two Declarations in Support of this Motion are attached as Exhibits B and C.

Respectfully submitted,

Post Office Address:

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Solicitor of Labor

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s/ Joan M. Roller

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U.S. DEPARTMENT OF LABOR

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UNITED STATES DEPARTMENT OF LABOR,	:	
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Plaintiff,	:	Civil Action
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	:	No. 05-286-JJF
	:	
MCI SERVICES, INC., et al.	:	
	:	
Defendants.	:	

DEFAULT JUDGMENT

Plaintiff having filed her Complaint herein, and defendant MCI Services, Inc. ("MCI") having failed to answer or otherwise defend against the Complaint; and the plaintiff having moved the Court to enter default judgment in favor of the plaintiff and against defendant MCI for failure to answer or otherwise defend against plaintiff's Complaint; and it appearing by affidavits filed of record that MCI is the Plan Administrator and fiduciary of the MCI Services, Inc. 401(k) Retirement Plan ("the Plan"), and in that capacity at relevant times violated ERISA §§ 404(a)(1)(A) and 404(a)(1)(B), and that such violations have prevented the distribution of Plan assets to the participants and beneficiaries, it is hereby

ORDERED, ADJUDGED AND DECREED by the Court:

1. That defendant MCI is removed from its position as fiduciary with respect to the Plan and that Jacqueline Carmichael ("Carmichael") is appointed as an independent fiduciary to administer the Plan in order to effectuate its termination, including the distribution of Plan assets to the participants and beneficiaries;

2. That Carmichael's compensation for her work as the independent fiduciary shall not exceed \$2500.00. Carmichael's compensation shall be paid out of the Plan assets, with the cost allocated proportionally among the balances of the Plan participants.

3. That defendant Principal Life Insurance Company is directed to turn the assets of the Plan over to the independent fiduciary appointed by the Court to administer the Plan.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that costs will be allowed the plaintiff against defendant MCI Services, Inc.

Dated: _____

United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of July, 2005, I electronically filed the attached Motion for Default Judgment with the Clerk of the Court using CM/ECF. I have also served this document via first class mail on the following:

Donald J. Koehler
Counsel
Principal Life Insurance Co.
711 High Street
DeMoines, Iowa 50392

s/ Joan M. Roller _____
Joan M. Roller
Regional Counsel